

REMARKS

Reconsideration of the above-identified application is respectfully requested.

The Examiner rejected Claims 5-8 and 10-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner focused on the claim recitation “slightly V-shaped” in claim 7. Claim 7 has been amended to delete the recitation and to more particularly point out and distinctly claim what applicant regards as his invention.

The Examiner rejected Claims 5-8 and 10 under 35 U.S.C. § 102(b) as being anticipated by Torrez (US 2,957,973). Torrez discloses a portable cooking device with upstanding wire loops 48, see Fig. 7, to receive taco shells for further processing. Torrez does not show or disclose substantially opened partitions to receive an article and receiving pockets being formed by a pair of spaced partitions arranged between two adjacent receiving pockets. Also Torrez does not show an opening at the bottom of the receiving pockets to receive the taco shells therein and, thus, does not teach or suggest that which is now positively recited in amended Claim 5. Accordingly the rejection under 35 U.S.C. § 102(b) cannot be maintained.

The Examiner also rejected Claims 5-7 and 10-11 under 35 U.S.C. § 102(b) as being anticipated by Finnegan (US 4,832,208). As noted above with respect to the discussion of Torrez, Finnegan similarly disclosed a storage trap comprising V-shaped receptacles. Finnegan does not teach or suggest utilizing a pair of parallel partitions to form a receiving pocket nor does Finnegan teach or suggest utilizing an open bottom to the receiving pockets to retain the article therein. Accordingly the rejection under 35 U.S.C. § 102(b) cannot be maintained.

The Examiner also rejected Claims 5-7 and 9-11 under 35 U.S.C. § 102(b) as being anticipated by Baxter (US 3,591,032). Baxter, similar to the Finnegan reference, discloses a tray having V-shaped slots to receive an article and does not have a pair of spaced partitions for each receiving pocket nor does Baxter disclose receiving pockets being open at the bottom to receive an article therein. Accordingly the rejection under 35 U.S.C. § 102(b) in view of Baxter cannot be maintained.

In view of the above amendments and remarks favorable reconsideration and allowance of the application are respectfully requested.

Conclusion

Accordingly, in view of the above amendments and remarks favorable reconsideration and allowance of the application is respectfully requested.

Applicants requests a three-month extension of to respond to this office action and our check in the amount of \$1,030.00 is enclosed as the requisite fee.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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